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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/777,958	12/24/1996	DONALD F. HAMILTON	02103/211002	4029
26162	7590	08/03/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				SWERDLOW, DANIEL
ART UNIT		PAPER NUMBER		
				2615

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SUPPLEMENTAL EXAMINER'S ANSWER

Responsive to the reply brief filed on 17 January 2006, a supplemental Examiner's Answer is set forth below:

The reply brief raises a new issue by the introduction on page 3 of US Patent 2,915,588 to Bose as alleged evidence that one skilled in the art would be able to make a bass speaker small enough to practice the claimed invention. Appellant alleges that the Bose patent discloses "four-inch drivers, any one of which could be used to embody the invention". Examiner respectfully disagrees with this characterization of the Bose patent. The Bose patent teaches that "[g]reater difficulties have been experienced in reproducing the low frequencies" and that in the prior art special enclosures are required for adequate low frequency performance (column 1, lines 54-58). The necessity for these enclosures supports the evidence already provided by the examiner that indicates the lack of enablement.

To solve this problem, the Bose patent teaches that a plurality of individual speakers must be employed together (Figs. 1-5; column 3, lines 54-59). Regarding the particular embodiment using the four-inch drivers to which appellant refers in the reply brief, the Bose patent discloses at column 7, lines 40 (emphasis added):

A speaker system constructed as illustrated in Fig. 1, and utilizing twenty-two standard Carboneau four-inch loudspeakers on a resinated fiberglass surface, which is one-eighth the surface of a sphere, with fiberglass insulation lining the inner planar surfaces of the enclosed volume, reproduced sounds recorded on a high-fidelity test record and encompassing substantially the entire audio spectrum with unusual realism, virtually free of distortion, when energized with a power

amplifier coupled to the preamplifier by the compensation network of Fig. 8. Two serially-connected 11-speaker chains were connected in parallel to provide an impedance of twenty-two ohms. This combination was connected to the 16-ohm output of the power amplifier, the latter output being shunted by a 58-ohm resistor to provide the correct impedance to the amplifier.

The compactness of the novel system will be better appreciated when it is realized that the exemplary system described in the preceding paragraph utilizes a surface which is one-eighth the surface of a sphere having a radius of but nineteen inches. Yet, remarkable reproduction of the entire audio spectrum is attained, even at the low frequencies where wavelengths in air are beyond twenty feet, and much larger than the relatively small dimensions of the novel speaker system.

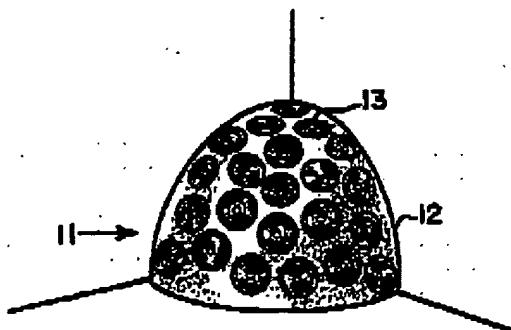


FIG. I

As such, the Bose patent discloses that to achieve bass loudspeaker performance required twenty-two four-inch loudspeakers arranged in a spatial array extending nineteen inches in each of the three dimensions. Contrary to appellant's allegation, this further supports the evidence already provided by the examiner that indicates the lack of enablement.

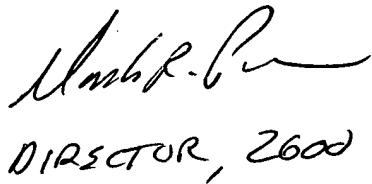
In summary, examiner has provided evidence of lack of enablement. Appellant's evidence further supports the lack of enablement. As such, the preponderance of the evidence shows lack of enablement.

Appellant may file another reply brief in compliance with 37 CFR 41.41 within two months of the date of mailing of this supplemental examiner's answer. Extensions of time under 37 CFR 1.136(a) are not applicable to this two month time period. See 37 CFR 41.43(b)-(c).



Daniel Swerdlow
Primary Examiner
Art Unit 2615

A Technology Center Director or designee has approved this supplemental examiner's answer by signing below:


DIRECTOR, 2600

ds
28 July 2006